

ORIGINAL

OPEN MEETING



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MEMORANDUM

Arizona Corporation Commission

DOCKETED

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TO: THE COMMISSION

FROM: Utilities Division

DATE: June 11, 2009

DOCKETED BY

FILED COMMISSION
DOCKET CONTROL

RE: IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY FOR A NEW CODE OF PRACTICE TARIFF (DOCKET NO. SW-01428A-08-0442)

Introduction

On August 25, 2008, Litchfield Park Service Company – Wastewater Division (“Company”) filed a New Code of Practice Tariff. The proposed Tariff sets forth certain waste limitations and pretreatment standards that apply based on the class of commercial/industrial customer served by the Company’s wastewater treatment facilities located in Maricopa County, Arizona. Customer classes include dental offices, dry cleaners, food service establishments, photo imaging operations, RV parks, and pretreatment for industrial wastes. The new tariff, if approved, will govern the type and quality of waste discharged into the Company’s wastewater collection system and treated at its wastewater treatment facilities.

Suspensions of Tariff

In Decision No. 70528 (September 30, 2008), the Commission suspended the requested tariff filing for a period of 84 days, through and including December 17, 2008, to provide Staff time to complete its review of the proposed tariff.

In Decision No. 70646 (December 17, 2008), the Commission suspended the requested tariff filing for a period of 162 days, through and including May 28, 2009, to provide Staff time to complete its review of the proposed tariff and provide additional time for the Company to submit an amended Aquifer Protection Permit.

In Decision No. 71115 (June 5, 2009), the Commission suspended the requested tariff filing for a period of 54 days, through and including July 21, 2009, to provide Staff time to complete its review of the proposed tariff and provide additional time for the Company to submit the source documentation for the pretreatment standards, i.e., Federal and State standards, City Ordinances, Uniform Plumbing Codes, etc.

On June 4, 2009, the Company provided its response to Staff’s request for the source documentation. Staff has reviewed the submitted information and has determined that the source documentation is incomplete. Furthermore, the Company revised its Code of Practice Guidelines

in its June 4, 2009 filing. Due to this revision and the submittal of the incomplete data, Staff cannot determine if the pretreatment standards governing the tariff are reasonable and comply with Federal, State and local standards at this time.

Staff's Recommendation

Based on the above and the fact that the statutory time allowed for processing this tariff will expire on July 21, 2009, Staff recommends that the Company's application for a New Code of Practice Tariff be denied without prejudice.

A handwritten signature in black ink, appearing to read 'EGJ', with a long horizontal stroke extending to the right.

Ernest G. Johnson
Director
Utilities Division

EGJ:MSJ:lm\RM

ORIGINATOR: Marlin Scott, Jr.

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BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES
Chairman
GARY PIERCE
Commissioner
PAUL NEWMAN
Commissioner
SANDRA D. KENNEDY
Commissioner
BOB STUMP
Commissioner

IN THE MATTER OF THE APPLICATION)
OF LITCHFIELD PARK SERVICE)
COMPANY FOR A NEW CODE OF)
PRACTICE TARIFF)
_____)

DOCKET NO. SW-01428A-08-0442
DECISION NO. _____
ORDER

Open Meeting
June 23 and 24, 2009
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Litchfield Park Service Company – Wastewater Division (“Company”) is certificated to provide wastewater service as a public service corporation in the State of Arizona.
2. On August 25, 2008, the Company filed a New Code of Practice Tariff.
3. The proposed Tariff sets forth certain waste limitations and pretreatment standards that apply based on the class of commercial/industrial customer served by the Company’s wastewater treatment facilities located in Maricopa County, Arizona.
4. Customer classes include dental offices, dry cleaners, food service establishments, photo imaging operations, RV parks, and pretreatment for industrial wastes. The new tariff if approved will govern the type and quality of waste discharged into the Company’s wastewater collection system and treated at its wastewater treatment facilities.
- ...
- ...

9. Based on the above and the fact that the statutory time allowed for processing this tariff will expire on July 21, 2009, Staff recommends that the Company's application for a New Code of Practice Tariff be denied without prejudice.

CONCLUSIONS OF LAW

2. The Commission has jurisdiction over the Company and of the subject matter in this Application.

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3. The Commission, having reviewed the filing and Staff's Memorandum dated June 11, 2009, concludes that it is in the public interest to deny the Company's application for implementation of a New Code of Practice Tariff.

ORDER

IT IS ORDERED that the application by Litchfield Park Service Company – Wastewater Division for approval of a New Code of Practice Tariff is denied without prejudice.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2009.

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

EGJ:MSJ:lh\RM

1 SERVICE LIST FOR: Litchfield Park Service Company
2 DOCKET NO. SW-01428A-08-0442

3 Mr. Patrick J. Black, Esq.
4 Fennemore Craig, PC
5 3003 North Central Avenue, Suite 2600
6 Phoenix, Arizona 85012

7 Mr. Bob Dodds
8 General Manager
9 Litchfield Park Service Company
10 12725 West Indian School Road, Suite D-101
11 Avondale, Arizona 85323

12 Mr. Ernest G. Johnson
13 Director, Utilities Division
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Ms. Janice M. Alward
18 Chief Counsel, Legal Division
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007
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